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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,319	05/01/2001	Tomihiko Azuma	Q64335	2242

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09/02/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

HA, LEYNNA A

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/845,319

Applicant(s)

AZUMA, TOMIHIKO

Examiner

LEYNNA T. HA

Art Unit

2135

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered ^{in part} and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-21.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant have amended independent claims 1-2 and 9-11 after the Final office action. Although it may seem to rephrase to clarify the claimed invention, there are new issues being raised for claims 1, 2, 9, and 10. Claims 1, 2, 9, and 10 now excludes registration of user authentication information and is amended to include "registering a numerical calculation method...", but then claims user authentication information. This would put the claims as antecedent basis. The amended claims now discloses the claimed numerical calculation method constitutes the user authentication information together with user identification information. The original claimed invention can broadly interpret as comprising two different types of information that is specific to the user being registered wherein including user authentication information (i.e. username or address) and also includes a numerical calculation method (i.e. PIN) corresponding to the user. Thus, there are distinctions between the amended claims and the original claims that raises new issues. Therefore, claims 1, 2, 9, and 10 requires a further search and consideration.

In regards to the arguments:

Khello does suggest "arbitrary numeric value" on col.9, lines 19-40 and col.11, lines 42-50, discussing the code is a randomly generated characters that corresponds to the PIN where it includes an encoding "key" based on the determined code (i.e. value of 2), so the entered PIN is encoded using the encoding algorithm number 2 to achieve an encode identification string PIN. So the user obtains the first calculation result by using the arbitrary numeric value which is the code randomly generated in the registered numerical calculation method which is the encoding algorithm number 2 corresponding to the key=2. The user selected and code length is obtained via the UAS (col.10, lines 14-17) and Khello does indicate that the user communicates over a network to the UAS (col.5, line 64-col.6, line 9). Thus, the the UAS is capable of communicating or sending the arbitrary numeric value to the user. Teachings of the the 1st calculation result equals the 2nd calculation result is on col.13, line 22-col.15, line 7.

The examiner maintains the rejection in regards to claim 3 in view of Khello. The examiner has provided sufficient citations in the previous office action, but for more explanations and clarity to the claimed invention the examiner is providing the following for claim 3:

Khello teaches a user transmits a numerical calculation method being specific to said user together with user identification information (col.6, lines 25-28) corresponding to said user through a network to a service providing site (col.5, lines 64-66) and said one or plurality of user terminals transmits a first calculation result obtained by applying a given numeric value to said numerical calculation method through said network to said service providing site (col.6, lines 57-58). Khello discloses one or a plurality of service providing sites to register said numerical calculation method together with said user identification information corresponding to said user (col.7, lines 34-67), to transmit an arbitrary numeric value (col.9, lines 19-30 and col.11, lines 42-50) through said network to said user terminal when said user identification information is transmitted from said user terminal through said network and to when said first calculation result corresponding to said arbitrary numeric value is transmitted from said user terminal through said network whether said first calculation result equals a second calculation result which obtained by said one or plurality of service providing sites by applying said arbitrary numeric value to said registered numerical calculation method to perform said user authentication. (col.13, lines 46-53 and col.14, lines 1-55).


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